

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

JACOB ADONI, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

CITICORP CREDIT SERVICES, INC.
(USA),

Defendant.

Civ. Act. No.: 2:21-cv-02108-JMA-AYS

**CITIBANK, N.A.'S RESPONSE TO PLAINTIFF'S
NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendant Citibank, N.A., erroneously sued as “Citicorp Credit Services, Inc. (USA)” (“Citibank”), by and through its undersigned counsel, respectfully submits this response to Plaintiff’s Notice of Supplemental Authority (Dkt. 35). The case provided by Plaintiff to the Court involves different states’ law and an entirely different factual scenario than the case at bar. *See Davitashvili v. Grubhub Inc.*, No. 20-CV-3000 (LAK), 2023 WL 2537777, at *10 (S.D.N.Y. Mar. 16, 2023) (declining to apply arbitration clause in website Terms and Conditions, under New York and California law, where claims had no nexus to the underlying agreement), *appeal filed*, No. 23-522 (2d. Cir.); *compare* Citibank Am. Mot. to Compel Arbitration (Dkt. 32) (seeking to compel arbitration of claims about credit card, under South Dakota law, pursuant to arbitration provision in the credit card agreement). Citibank respectfully submits that Plaintiff’s cited authority is not relevant to the pending motion.

Dated: March 18, 2024

Respectfully submitted,

/s/ Jacquelyn N. Schell

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